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*Attorneys for Sonos, Inc.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA,  
SAN FRANCISCO DIVISION

SONOS, INC.,

Case No. 3:20-cv-06754-WHA

*Plaintiff and Counter-defendant,*

Consolidated with  
Case No. 3:21-cv-07559-WHA

第二章 計算方法

**SONOS, INC.'S STATEMENT OF NO  
OPPOSITION TO SUR-REPLY**

### *Defendant and Counter-claimant.*

Judge: Hon. William Alsup  
Courtroom: 12, 19th Floor  
Trial Date: May 8, 2023

Sonos respectfully submits this statement of no opposition to Google's motion for leave to file a response to Sonos's Reply. Dkt. 790. Last night at 6:30pm, counsel for Google emailed Sonos and demanded that Sonos provide its position on Google's motion for leave by 7:30pm. Counsel stated that "If we don't hear back by 8 pm pacific, we'll file as opposed." Counsel did not provide the proposed response for Sonos to consider and proceeded to file the motion.

Having now had the opportunity to review the response, Sonos does not oppose. While Google says that Sonos argues for the first time that "the figure on page 5 of Appendix A of the provisional application" discloses overlapping zone scenes, it is actually *Google* and its expert Dr. Schonfeld that first advanced that argument. For the Court's convenience, Sonos provides Dr. Schonfeld's testimony here. The testimony describes Fig. 7, which is the same as the figure on page 5 of Appendix A:

Q [by Mr. Pak]. So we're looking at a different figure from the patent. Now this is Figure 7 of the '966 patent. And can you identify what you've highlighted on this slide?

A [by Dr. Schonfeld]. So this particular figure shows up on the very top, not in red, just regular speakers that you can just play regularly, but then it has two zone scenes. One is the morning wake-up zone scene that we just created, that is the den, the bedroom, et cetera; and then another one which is Party Mode, which is all of the zones in the house, all of the speakers in the house.

Trial Tr. at 1338:10-19.

While Google now says that "party mode" does not necessarily include all zone players (e.g., smart speakers), Dkt. 790-2, Google's central theme at trial was that party mode is a zone scene that includes all zone players in a system. *E.g.* Trial Tr. at 237:1-7 (Google's opening statement describing party mode: "you could group all the speakers together in a party mode, play all the music throughout the house and it was saved."). In Sonos's view, Google's response is yet another instance of Google taking inconsistent positions depending on which argument it is trying to advance. *E.g.*, May 24, 2023 Trial Tr. 2016:5-14 (Court noting Google's inconsistent positions on invalidity and infringement). Because the disclosure in Fig. 7 is just one of several independent bases for finding written description support for overlapping zone scenes, *see* Dkt. 789 at 4 and Dkt. 723 at 24-32, Sonos does not oppose Google's motion for leave.

1 Dated: June 1, 2023

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and  
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3 By: /s/ Clement Seth Roberts

4 Clement Seth Roberts

5 *Attorneys for Sonos, Inc.*

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